

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

GARY ADAM MILLER,	:	CIVIL ACTION NO. 4:10-CV-51
	:	
Petitioner	:	(Chief Judge Conner)
	:	
v.	:	
	:	
MARIROSA LAMAS, et al.,	:	
	:	
Respondents	:	

ORDER

AND NOW, this 18th day of April, 2018, upon consideration of the report (Doc. 89) of Magistrate Judge Martin C. Carlson, recommending that the court deny the petition (Doc. 1) for writ of habeas corpus filed pursuant to 28 U.S.C. § 2254 by petitioner Gary Adam Miller (“Miller”), wherein Judge Carlson opines that Miller’s petition fails on its merits, (see Doc. 89 at 24-34), and the court noting that Miller filed an objection (Doc. 97) to the report, and following *de novo* review of the contested portions of the report, see Behar v. Pa. Dep’t of Transp., 791 F. Supp. 2d 383, 389 (M.D. Pa. 2011) (citing Sample v. Diecks, 885 F.2d 1099, 1106 n.3 (3d Cir. 1989); 28 U.S.C. § 636(b)(1)(C)), and applying a clear error standard of review to the uncontested portions, see Cruz v. Chater, 990 F. Supp. 375, 376-78 (M.D. Pa. 1999), the court being in full agreement with Judge Carlson’s rationale, and finding same to be thorough, well-reasoned, and fully supported by the record, and finding Miller’s objection, which raises arguments identical to those raised

before and rejected by the magistrate judge, to be without merit and squarely addressed by the report, it is hereby ORDERED that:

1. The report (Doc. 89) of Magistrate Judge Carlson is ADOPTED.
2. Miller's petition (Doc. 1) for writ of habeas corpus is DENIED.
3. The court finds no basis to issue a certificate of appealability. 28 U.S.C. § 2253(c); see also 28 U.S.C. § 2254 Rule 11(a).
4. The Clerk of Court is directed to CLOSE this case.

/S/ CHRISTOPHER C. CONNER

Christopher C. Conner, Chief Judge
United States District Court
Middle District of Pennsylvania